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Supreme Court, U.S.
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No. 05-

In the
Supreme Court of the United States

SERENTE CISSE
Petitioner,

v.

STATE OF LOUSIANA,
Respondent.

On Petition for a Writ of Certiorari to the Louisiana Supreme Court

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

I. Whether there should be uniformity among the federal circuits and the state courts concerning the requirement that the alien defendant be fully informed and be made fully aware of the immigration consequences of his guilty plea.

II. Whether the Serente Cisse made an intelligent, voluntary, and knowing plea of guilty in conformity with this Honorable Court's requirement in Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 109, 23 L.Ed. 2d 274 (1969).

III. Whether deportation for certain criminal offenses constitute cruel and unusual punishment in violation of the Eighth Amendment to the US Constitution.

IV. Whether Serente Cisse received effective assistance of counsel in conformity with the Sixth Amendment to the US Constitution.

PARTIES TO THE PROCEEDING

The parties to the proceeding are set forth in the case caption.

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OPINIONS BELOW

The decision of the Louisiana Supreme Court is reported as State vs. Serente Cisse, reported under No. 2005-K-0521. The decision of the Louisiana Court of Appeal, Third Circuit is unreported (State of Louisiana v. Serente Cisse, 04-1317 (La. App. 3rd Cir. 02/02/2005. The plea of Serente Cisse and sentencing of the 15th Judicial District Court for the Parish of Acadia, State of Louisiana is unreported. All three documents are reproduced in the appendix.

JURISDICTION

The decision of the Louisiana Supreme Court dated May 20, 2005, had denied the Petitioner's request for Writ of Certiorari. Petitioner files the instant application for a Writ of Certiorari to the U.S. Supreme Court under the authority of Rule 10 of this Honorable Court. This Honorable Court's jurisdiction is invoked under 28 U.S.C. § 1257.

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES AND REGULATIONS INVOLVED

1) This case addresses the conflict in the federal circuits concerning the issue of whether courts are required to fully advise alien defendants the immigration consequences inherent in their plea of guilty.

2) This case raises procedural due process issues under the Fifth Amendment to the United States Constitution and applicable to the States by the Fourteenth; of the right to trial by jury; and the right to confront one's accusers.

3) This case also presents the question of whether being removed from the United States for certain crimes constitute cruel, excessive and unusual punishment in violation of the Eighth Amendment to the United States Constitution.

4) This case finally addresses the issue of Ineffective Assistance of Counsel in Violation of the Sixth Amendment to the US Constitution and made applicable to the States by the Fourteenth.

STATEMENT OF THE CASE

The Petitioner/Defendant, Serente Cisse (hereinafter "Petitioner" and/or "Defendant"), is a native of Mali and came the United States in 1989 under a family unification petitioned filed by his father. Because of economic difficulty in his family, Mr. Cisse had to quit school while he was in the sixth grade to help is father support the family. While he was in primary and secondary school, classes were taught in French and he was never exposed to the English language. After he came to the United States at the age of 19, he only had formal education of the English language for six months, and therefore, any English that he learned was learned in the streets. Mr. Cisse worked hard to establish a livelihood in Atlanta, Georgia.

On or about June 12, 1998, Mr. Cisse traveled to Houston to survey the job market to determine whether a move to Houston was feasible. While in Houston, he met a friend who asked him to transport a duffle bag for him to Atlanta. Without hesitation Mr. Cisse put the duffle bag into the trunk of his car and went back to Atlanta on June 19, 1998.

While traveling through Louisiana, Mr. Cisse was stopped in the Parish of Acadia by Deputy Gabe Fontenot of the Acadia Parish Sheriff's department for violating L.R.S. 32:0081–Following too Close. Officer Fontenot then asked Mr. Cisse to produce his driver's license and documentation in connection with the rental car that the defendant was driving and he complied. In the course of the interview, Deputy Fontenot ***ordered*** the defendant to open the trunk of his car and he did so as ordered. Deputy Fontenot then saw a duffle bag that belonged to the Mr. Cisse's friend in the trunk of the defendant's car, proceeded to unzip the bag, saw some plastic bags inside, tore open the plastic bags, and found marijuana. Before he performed the above acts, the deputy failed to obtain